
MEMORANDUM

TO: City Council

FROM: Brian Will Planning Department

SUBJECT: Revised Recommendation for Special Permit #1998 - Nebraska Tennis Center

DATE: 5/12/03

COPIES: Mayor Wesely
Marvin Krout, Planning Director
JD Burt, Design Associates

The Planning Commission considered this special permit application and voted 5-2 to recommend denial at their April 16, 2003 hearing. In response, the applicant submitted a revised site plan on April 30, 2003 showing a redesigned facility that no longer required waivers to height and setbacks.

The departments of Building and Safety, Public Works and Planning met with the applicant on May 8th to discuss the revised site plan and issues of concern raised by staff. The applicant agreed to make further revisions to the site plan to ensure compliance with the Zoning Ordinance. Since this application was considered by the Planning Commission, the following changes have been made to the site plan:

1. The facility maintains a 100' setback from the east and south property lines.
2. The height of the facility has been reduced from 52' to 35' in height.
3. The orientation of the main building is revised from east-west to north-south. The horizontal dimensions of the enclosed tennis structures have been reduced from 674' to 594' along the south property line, and from 412' to 374' along the east property line.
4. The landscape plan has been revised showing an increased number of trees as part of the landscape screen along the south and east property lines.
5. A sidewalk connection to South Street is shown.
6. Note #9 has been included stating that on-site parking shall be provided in compliance with the Zoning Ordinance for approved uses at the time of building permit.

7. The number of tennis courts has been revised from 11 indoor and 12 outdoor courts to 12 indoor and 10 outdoor courts.
8. Note #20 is added to allow parking within the south 100' setback if additional tennis courts are constructed on Lincoln Public Schools' property adjacent to the south by administrative amendment.
9. Note #21 was added to require that the landscape screen be relocated south of any additional tennis courts built on Lincoln Public Schools' property.

As revised, the site plan complies with the Zoning Ordinance and Comprehensive Plan, and staff recommends approval subject to the following amendments to the resolution as drafted:

1. This permit approves a recreational facility consistent with the revised site plan ~~with a waiver to the height restriction to 52 feet.~~

2. Revise the site plan to show:

~~a. Sidewalks along both sides of that portion of South Street to be improved, and along the west side of the driveway to connect the sidewalk along South Street with the internal sidewalk system.~~

~~b. The building setback a minimum of 100' from all property lines.~~

~~c. Increased screening along the south and east property lines consistent with the City of Lincoln Design Standards for multiple-family dwellings approved by special permit, but with trees planted in staggered, double rows.~~

~~d. A signed surveyor's certificate.~~

~~e. Street trees planted along South 84th Street per Parks and Recreation Department review. The tree species and quantity of trees to be removed must also be shown.~~

~~f. Deletion of Notes #5 and #7 from Sheet 1 and 3 relating to municipal water service and to the rear setback waiver, respectively.~~

~~g. Add a note stating that indoor and outdoor tennis court lights shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.~~

hd. The easements requested by the LES review dated January 3, 2003.

~~i. All required paved parking areas based upon the parking requirements for the number of tennis courts and the size of pool proposed.~~

~~3. Submit a revised grading and drainage plan approved by Public Works and Utilities. Of particular concern is the height of the fill in the south and east areas of the site.~~

~~4. Provide traffic impact information requested by Public Works and Utilities and make any revisions required by that information.~~

53. Before receiving building permits:

a. The Permittee must submit a revised, acceptable, final plan including five copies.

b. The construction plans must conform to the approved plans.

c. A revised grading and drainage plan approved by the Public Works and Planning Department.

64. Before occupying the recreational facility all development and construction must be completed in conformance with the approved plans.

75. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

86. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

97. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The owner agrees to not oppose the creation of a district for the improvement of South Street abutting the property covered by this special permit at such time as either the

property is annexed or the land on the north side of South Street adjacent to this property is developed.

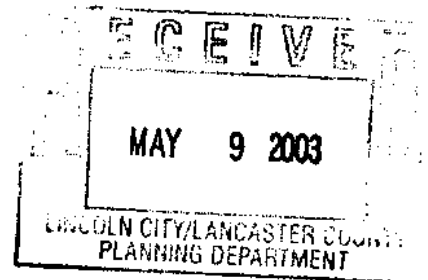
9. The City will initiate annexation of the South Street right-of-way from South 84th Street east to a point 50' beyond the end of the proposed temporary termination of the South Street paving.

**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

May 9, 2003

Marvin Krout
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508



RE: Special Permit #1998
Nebraska Tennis Center
84th and South Street

Mr. Krout,

Attached for review are revised site and landscape plans for Nebraska Tennis Center. The plans have been revised to meet staff comments that are resultant from a meeting held yesterday with Ray Hill and Brian Will from your staff, Dennis Bartels from Public Works and Terry Kathe from Building and Safety. These revisions combined with prior revisions have resulted in an overall development plan that no longer requires exception to setback and height requirements, as previous requested.

We would like to thank your staff, as well as other city staff that participated in this application, for their cooperation and willingness to assist with the evolution of Nebraska Tennis Center.

Best regards,


J.D. Burt
For the firm

Attachment: Revised site and landscape plan.

SOUTH 84TH STREET

500' FRONT YARD

SOUTH STREET

60' RESERVED FOR FUTURE FRONT YARD

100' REAR YARD

EXISTING TREES IN THIS AREA TO BE REMOVED AS REQUIRED FOR GRADING

APPROXIMATE AREA OF EXISTING TREE MASS TO REMAIN

APPROXIMATE AREA OF EXISTING TREE MASS TO REMAIN

FUTURE DRIVEWAY

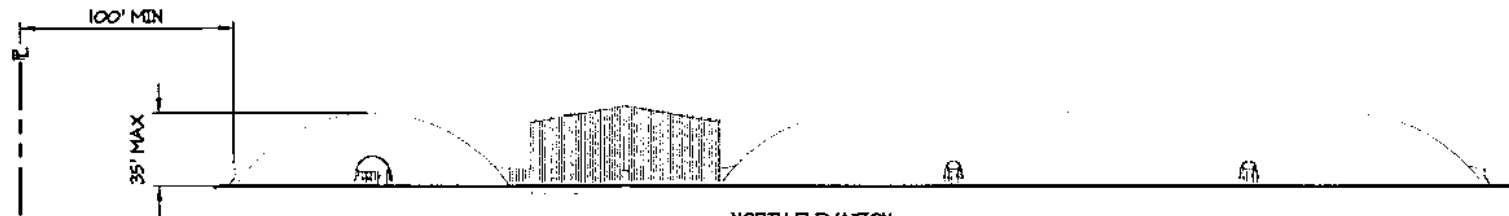
BUILDING ENVELOPE

LANDSCAPE PLAN
SCALE: 1" = 50'

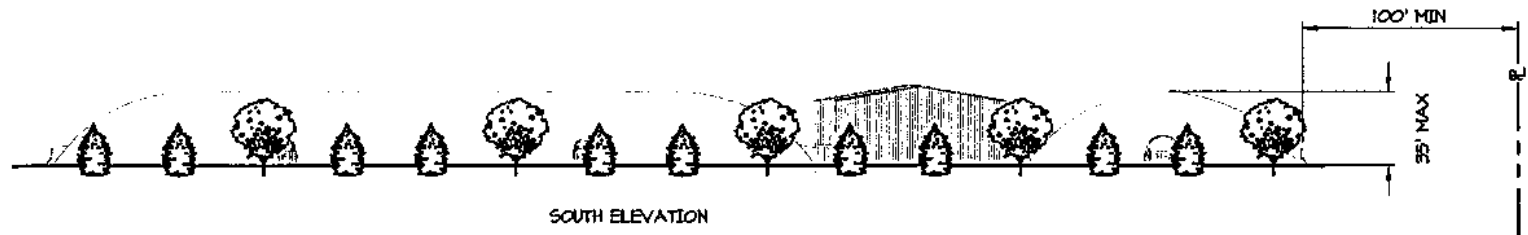
DA
DESIGN ASSOCIATES OF LINCOLN, INC.
PERSHING SQUARE
1808 "N" STREET
LINCOLN, NEBRASKA 68508
voice: 402/474-3000
fax: 402/474-1045
design@daolinc.com

MAY 9 2003

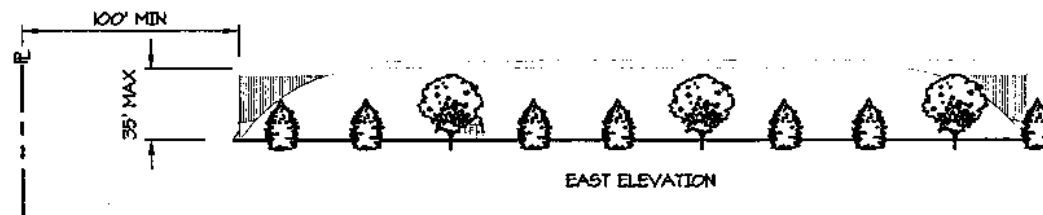
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT



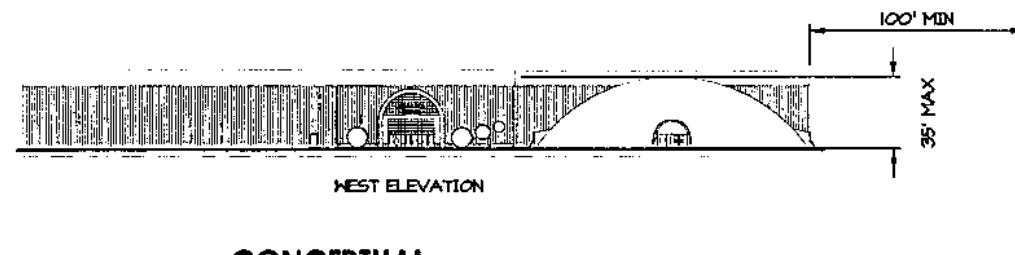
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

CONCEPTUAL BUILDING ELEVATIONS

NO SCALE



DESIGN ASSOCIATES OF LINCOLN, INC

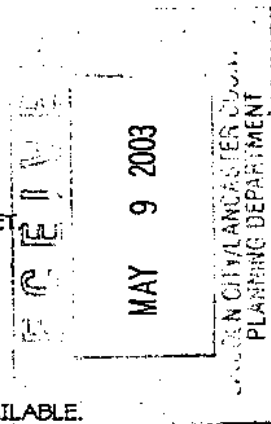
PERSHING SQUARE
1609 "N" STREET
LINCOLN NEBRASKA 68508
voice: 402/474-3000
fax: 402/474-4045
desassoc@inebraska.com

MAY 9 2003

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

GENERAL SITE NOTES

1. ELEVATIONS ARE NAVD 1988.
2. ADDITIONAL RIGHT-OF-WAY TO BE DEDICATED ALONG SOUTH STREET TO PROVIDE A 36' WIDTH AS MEASURED FROM THE CENTERLINE OF SOUTH STREET.
3. DIMENSIONS SHOWN ALONG CURVES ARE CHORD DISTANCES.
4. SOUTH STREET PAVING, STORM SEWER AND WATER MAIN TO BE CONSTRUCTED BY EXECUTIVE ORDER AS SHOWN.
5. THE SOUTH STREET WATER MAIN TO BE 12". WATER SERVICE TO THE DEVELOPMENT IS TO BE AN 8" PRIVATE WATER MAIN.
6. SANITARY SEWER SERVICE TO BE PROVIDED BY AN ON-SITE WASTEWATER SYSTEM UNTIL SUCH TIME AS MUNICIPAL SANITARY SEWER SERVICE IS AVAILABLE.
7. REQUIRED YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DO NOT RESTRICT OVERHANGS, DOOR SWINGS, WINDOW SWINGS, ETC., FROM ENCRDACHING INTO REQUIRED SETBACK AREAS.
8. PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED. VEHICLE TURN-AROUND AREA TO BE DESIGNED TO ACCOMMODATE TURNING MANEUVERS AND PARKING FOR SPECIAL EVENT BUSES.
9. ON-SITE PARKING SHALL BE PROVIDED IN CONFORMANCE WITH ZONING ORDINANCE FOR APPROVED USES AT TIME OF BUILDING PERMIT(S).
10. PARKING STALLS FOR THE DISABLED SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 58, NO. 144/RULES AND REGULATIONS).
11. PARKING LOT LIGHTING SHALL CONFORM TO CITY PARKING LOT LIGHTING DESIGN STANDARDS, IF INSTALLED.
12. TENNIS COURT LIGHTING SHALL CONFORM TO ADOPTED CITY DESIGN STANDARDS AND INDUSTRY STANDARDS, IF INSTALLED. LIGHTING FOR TENNIS COURTS LOCATED OUTDOORS OR IN NON-OPAQUE BUILDINGS SHALL BE TURNED OFF BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M.
13. 12 INDOOR AND 10 OUTDOOR TENNIS COURTS ARE SHOWN WITHIN TENNIS COURT AND BUILDING ENVELOPES. COURT LOCATIONS SHOWN ARE SCHEMATIC AND MAY VARY IN SIZE AND LOCATION, WITHIN THE LIMITS OF THE ENVELOPES.
14. OUTDOOR TENNIS COURTS TO BE ENCLOSED WITH A FENCE IN EXCESS OF 6'-4".
15. THE MAIN BUILDING TO INCLUDE RESTROOMS, LOCKER ROOMS, SWIMMING POOL, FITNESS AREA, PRO-SHOP, CONCESSION AREA, BASKETBALL AND VOLLEYBALL COURTS, CHILDREN'S LEARNING CENTER INCIDENTAL TO NEBRASKA TENNIS CENTER AND ADMINISTRATIVE OFFICES.
16. TENNIS STRUCTURES #1, #2 AND FUTURE TENNIS STRUCTURE #3 TO BE CONSTRUCTED WITH A FABRIC MEMBRANE EXTERIOR. BUILDINGS SHALL BE CONSTRUCTED WITH AN OPAQUE EXTERIOR MATERIAL.
17. BUILDING ELEVATIONS SHOWN ARE CONCEPTUAL, AND MAY VARY IN FINAL DESIGN. ELEVATIONS SHOWN ARE INTENDED TO SHOW MAXIMUM HEIGHT AND BUILDING DIMENSION.
18. SIGNAGE TO BE IN COMPLIANCE WITH SECTION 27.69 OF THE LINCOLN MUNICIPAL CODE.
19. SIDEWALKS ARE SHOWN ALONG THE EAST SIDE OF 84TH STREET AND THE SOUTH SIDE OF SOUTH STREET, BETWEEN 84TH STREET AND THE NEBRASKA TENNIS CENTER DRIVEWAY. SIDEWALK LOCATED ALONG THE NORTH SIDE OF SOUTH STREET TO BE COMPLETED WITH CONSTRUCTION OF SOUTH STREET EAST OF THE NEBRASKA TENNIS CENTER DRIVEWAY. THE DEVELOPER AGREES TO PARTICIPATE IN AN ASSESSMENT DISTRICT FOR CONSTRUCTION OF THIS SIDEWALK.
20. PARKING SHALL BE PERMITTED IN THE SOUTHERLY 100' SETBACK AREA BY ADMINISTRATIVE AMENDMENT UPON CONSTRUCTION OF TENNIS COURTS ON THE LINCOLN PUBLIC SCHOOLS PROPERTY LOCATED ADJACENT TO THE SOUTH LIMIT OF THIS SPECIAL PERMIT.
21. LANDSCAPING WITHIN THE SOUTHERLY 100' SETBACK SHALL BE ALLOWED TO BE RELOCATED ONTO LINCOLN PUBLIC SCHOOLS PROPERTY UPON CONSTRUCTION OF FUTURE TENNIS COURTS ON LINCOLN PUBLIC SCHOOLS PROPERTY. RELOCATION OF THE LANDSCAPING SUBJECT TO APPROVAL BY LINCOLN PUBLIC SCHOOLS AND CITY BY ADMINISTRATIVE AMENDMENT.
22. A REVISED GRADING AND DRAINAGE PLAN SHALL BE APPROVED BY THE PLANNING AND PUBLIC WORKS DEPARTMENTS PRIOR TO ISSUANCE OF BUILDING PERMITS.



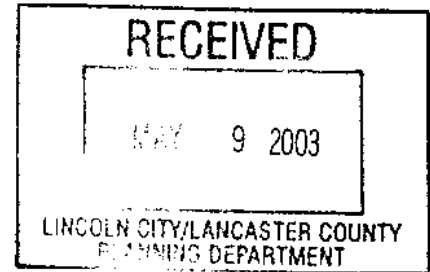


Lincoln Public Schools

Custodial, Maintenance & Facilities Building • 800 South 24th • Lincoln, Nebraska 68510 • (402) 436-1072 • (Fax) 436-1557

May 7, 2003

Steve Henrichsen
Planning Department
555 S. 10th Street
Lincoln, NE 68508



SUBJECT: NEBRASKA TENNIS CENTER

Dear Steve;

Enclosed please find a copy of a recent proposal, dated April 30, 2003, that was presented to Mr. Marvin Krout, Planning Director for the Lincoln/Lancaster County Planning Department, with accompanying site plan, and a "Letter of Understanding", dated April 18, 2003, submittal to Lincoln Public Schools regarding the intentions of the Nebraska Tennis Center, L.L.C.

I have reviewed the information, and based on recent discussions with the Planning sub-committee of the School Board and Lincoln Public Schools staff regarding the proposal by Mr. David Northey for a Tennis Complex to be located on the Southeast corner of 84th & South Streets here in Lincoln, I have the following comments:

1. We (LPS) are in agreement with the latest proposal that includes the 100' side yard setback on the south property line of the tennis complex.
2. We are in agreement with the latest proposal that includes a 35' maximum height requirement for the tennis facility. However, we would like some consideration/review as to the impact that site grading can have on this overall height.
3. We would request that the site parking lot(s) meet all city setback and screening requirements whether Lincoln Public Schools participates in the overall project, or not.
4. We would request that some form of security lighting be included in parking areas and site perimeter. However, we would also expect adequate control of light pollution as well.
5. To minimize the magnitude of the building mass, can some form of landscape screening be established within the 100' setback?

We appreciate the opportunity to work with Mr. Northey and wish him success in his latest endeavor. Lincoln Public School is considering his latest proposal for some form of joint venture. However, no decisions have been made at this time. If you should have any questions, please give me a call.

Sincerely,

Scott Wieskamp
Director of Facilities

c: Dennis Van Horn
David Northey

s:\gormlels\data\word\SW880.doc

**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

April 30, 2003

Marvin Krout
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

RE: Special Permit #1998
Nebraska Tennis Center
84th and South Street

Mr. Krout,

We have revisited the proposed design of Nebraska Tennis Center (NTC) with respect to setbacks and height issues. After considerable discussion with the applicant, a revised site plan has been prepared. The resultant plan includes building setbacks along the south and east limits of the Special Permit that now are 100'. The increase in setbacks was made possible due to changes in dimensions to the tennis structures, redesign of the main building and reconfiguration both interior and exterior courts. The changes in building dimension also allowed the overall height of the tennis structures to now be in compliance with height restrictions of the zoning district.

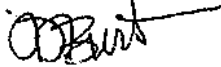
As was stated during public testimony at the Planning Commission, NTC has discussed construction of tennis courts on the adjacent property to the south with Lincoln Public Schools (LPS) staff. NTC has presented a Letter of Understanding to LPS administration for consideration. The Letter of Understanding proposes construction of courts and parking by NTC on the LPS property that would allow LPS to schedule court time for instruction and tournaments. It is our understanding that LPS is currently reviewing that correspondence. A copy of the initial Letter of Understanding is attached for your information.

Since LPS's participation with NTC is not known at this time, the revised site plan is not dependent upon inclusion of the LPS property to satisfy the 100' setbacks. However, it is the desire of NTC to continue pursuit of an agreement with LPS regarding the placement of outdoor courts on the LPS property and ultimately include improvements on the LPS property in the NTC development plan.

Based upon conversation with your staff, it is our understanding that compliance with the 100' setback and 35' height requirements will alter your office's recommendation for the special permit from denial to approval. We appreciate your consideration and look forward to discussing your thoughts regarding the changes at your convenience.

Please advise if additional information is desired.

Best regards,



J.D. Burt
For the firm

Attachment: Revised site plan.

cc: Mayor Wesely
City Council Office
Ray Hill
Dennis Van Horn
Dave Northey
Mike Marsh

Nebraska Tennis Center, L.L.C.

P.O.Box 67224

Lincoln, Nebraska 68506-7224

(402) 890-6434 * Northey@earthlink.net

April 18, 2003

Mr. Dennis Van Horn
Associate Superintendent for Business Affairs
Lincoln Public Schools
5901 "O" Street
Lincoln, Nebraska 68510

Re: Nebraska Tennis Center

Dear Mr. Van Horn:

The Nebraska Tennis Center respectfully submits the following Letter of Understanding for your consideration between the Nebraska Tennis Center, ("NTC") and the Lincoln Public Schools, (LPS), regarding use of Lot 10 I.T. located in the South ½ of Section 35, Township 10 North, Range 7 East, Lincoln, Lancaster County, Nebraska, as detailed on the attached Exhibit "A":

1. LPS shall grant the NTC a twenty (20) year Lease for 170 +/- feet across the entire north section of Lot 10 I.T., as shown on Exhibit "A" (Leased Premises).
2. As consideration for the Lease in paragraph (1), the NTC shall construct a total of twelve (12) hard surfaced tennis courts within the limits of the Leased Area for use by LPS and NTC. Six (6) courts shall be constructed within the initial construction phase of NTC. The remaining six (6) courts shall be constructed by NTC on a mutually agreed upon schedule based upon usage and demands of LPS and NTC. Construction of the hard surfaced courts shall be at no cost to LPS.
3. Construction within the limits of the Leased Area by NTC shall include installation of a parking lot designed to accommodate the anticipated parking demands of the courts available to LPS.
4. NTC agrees that no alcohol sales or consumption shall occur within the limits of the Leased Area or any other LPS property at any time. NTC further agrees that no alcohol sales or consumption shall occur on NTC property during LPS events that occur on NTC property.
5. At any time before or at the end of the term of this Lease provided herein, the NTC shall

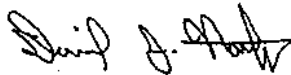
have the first right of purchasing the Leased Premises. If the parties cannot agree on a value for the Leased Premises, an independent appraiser shall be hired to determine the value.

6. During the term of this Lease, LPS agrees to pay the taxes, if any, levied by the City of Lincoln, County of Lancaster, or other appropriate governmental units pertaining to the Leased Premises. The NTC agrees to pay any and all costs or charges for utility services furnished to the Leased Premises, including electricity, gas, water, sewer and telephone service. The NTC at its expense will cause the Leased Premises to be maintained in a tenantable and in a safe, neat, clean and presentable condition. Such maintenance shall include snow and ice removal.

Thank you for considering this Letter of Understanding. If you have any questions, please feel free to contact me.

I look forward to working with you and LPS in this endeavor.

Sincerely,



David J. Northey
President

Agreed and accepted

Date: _____

By: _____

Title: _____
Lincoln Public Schools